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UNCLASSIFIED

Page: 1

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SUBJECT: US RESPONSE TO UNHCHR SR REPORT ON THE SITUATION
OF MUSLIM AND ARAB PEOPLES

1. FOLLOWING IS THE RESPONSE OF THE <<UNITED>> <<STATES>> OF AMERICA
TO A REPORT FROM THE SPECIAL RAPPOREUR ON CONTEMPORARY FORMS
OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED
INTOLERANCE, ENTITLED "SITUATION OF MUSLIM AND ARAB PEOPLES
IN VARIOUS PARTS OF THE WORLD IN THE AFTERMATH OF THE EVENTS
OF 11 SEPTEMBER 2001" (E.CN.4.2003.23).

2. MISSION IS REQUESTED TO TRANSMIT THE RESPONSE CONTAINED
IN PARA. 3 TO THE SECRETARIAT OF THE COMMISSION ON HUMAN
RIGHTS AND REQUEST THE SECRETARIAT TO PUBLISH OUR RESPONSE AS
A U.N. DOCUMENT TO BE AVAILABLE FOR ALL DELEGATES WHEN
CONSIDERING ITEMS UNDER AGENDA ITEM 6.

3. RESPONSE OF THE <<UNITED>> <<STATES>> OF AMERICA TO THE REPORT OF
THE SPECIAL RAPPOREUR ON CONTEMPORARY FORMS OF RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE ON
THE SITUATION OF MUSLIM AND ARAB PEOPLES IN VARIOUS PARTS OF
THE WORLD IN THE AFTERMATH OF THE EVENTS OF 11 SEPTEMBER 2001
(E.CN.4.2003.23).

Current Class: UNCLASSIFIED

Page: 1.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 19 OCT 2004 200303827

UNCLASSIFIED

DOS-002338

ACLU-RDI 4328 p.1

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 2

Channel: n/a

THE GOVERNMENT OF THE <<UNITED>> <<STATES>> WELCOMES THE OPPORTUNITY TO RESPOND TO THE ABOVE-MENTIONED REPORT WHICH EXAMINES THE SITUATION OF MUSLIM AND ARAB PEOPLES IN VARIOUS PARTS OF THE WORLD, INCLUDING THE <<UNITED>> <<STATES>>, IN THE AFTERMATH OF THE EVENTS OF 11 SEPTEMBER 2001. SINCE 11 SEPTEMBER 2001, THE <<UNITED>> <<STATES>> HAS MOBILIZED UNPRECEDENTED RESOURCES TO PREVENT FURTHER ATTACKS AGAINST THE <<UNITED>> <<STATES>>, WHILE AT THE SAME TIME ENSURING RESPECT FOR CIVIL LIBERTIES. IN OUR FIGHT AGAINST TERRORISM, THE <<UNITED>> <<STATES>> RECOGNIZES THAT ALL ETHNIC, NATIONAL AND RELIGIOUS GROUPS ARE ENTITLED TO EQUAL TREATMENT UNDER THE LAW. WE RECOGNIZE THAT THE OVERWHELMING MAJORITY OF MUSLIMS AND ARABS IN OUR COUNTRY ARE LAW ABIDING RESIDENTS AND CITIZENS, AND WE DO NOT TOLERATE BIAS MOTIVATED ATTACKS AGAINST THEM.

WITHIN OUR GOVERNMENT, THE U.S. DEPARTMENT OF JUSTICE ("JUSTICE DEPARTMENT") HAS LED OUR NATION'S FIGHT AGAINST TERRORISM IN AMERICA. THE JUSTICE DEPARTMENT HAS TAKEN EVERY STEP, USED EVERY TOOL AT ITS DISPOSAL, AND EMPLOYED EVERY AUTHORITY UNDER THE LAW TO PREVENT FURTHER ACTS OF TERRORISM AND TO PROTECT INNOCENT AMERICAN LIVES, WHILE PRESERVING THE CONSTITUTIONAL LIBERTIES THAT ALL AMERICANS CHERISH.

TOWARD THIS END, THE JUSTICE DEPARTMENT HAS USED THE FULL WEIGHT OF THE FEDERAL JUSTICE SYSTEM, INCLUDING ITS CRIMINAL PENALTIES TO NEUTRALIZE POTENTIAL TERRORIST THREATS BY PROSECUTING THOSE WHO VIOLATE THE LAW AND THEREBY POSE A NATIONAL SECURITY RISK. IN SOME CASES, THE JUSTICE DEPARTMENT HAS PROSECUTED INDIVIDUALS FOR CRIMES NOT DIRECTLY RELATED TO TERRORISM, JUST AS PROSECUTORS FROM EARLIER GENERATIONS USED INCOME TAX VIOLATIONS AND SIMILAR OFFENSES TO CONVICT DANGEROUS, ORGANIZED CRIME FIGURES. THE JUSTICE DEPARTMENT DOES NOT HESITATE TO USE ANY AVAILABLE CHARGE OR TOOL TO REMOVE DANGEROUS INDIVIDUALS FROM THE STREETS AND PROTECT AMERICAN LIVES.

WHEN THE SEPTEMBER 11 INVESTIGATION HAS LED US TO THOSE WHO HAVE VIOLATED OUR IMMIGRATION LAWS, WE HAVE ENFORCED THOSE LAWS AND INVOKED OUR STATUTORY AUTHORITY TO DETAIN THOSE INDIVIDUALS. IN MANY CASES, THE <<UNITED>> <<STATES>> DETERMINED THE BEST COURSE OF ACTION TO PROTECT AMERICANS WAS TO REMOVE POTENTIALLY DANGEROUS INDIVIDUALS FROM THE COUNTRY AND ENSURE THAT THEY COULD NOT RETURN.

THE SEPTEMBER 11 INVESTIGATION HAS GENERATED HUNDREDS OF LEADS IMPLICATING ALIENS IN THE <<UNITED>> <<STATES>>, LEADS RANGING FROM POSSIBLE INVOLVEMENT IN THE ATTACKS TO POSSIBLE POSSESSION OF MATERIAL INFORMATION CONCERNING THOSE ATTACKS. IN IDENTIFYING THE INDIVIDUALS OF INTEREST TO THE

Current Class: UNCLASSIFIED

Page: 2

UNCLASSIFIED

DOS-002339

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 3

Channel: n/a

INVESTIGATION, THE JUSTICE DEPARTMENT FOCUSED ON INDIVIDUALS WHO CAME FROM COUNTRIES IN WHICH AL QAEDA AND OTHER TERRORIST GROUPS OPERATE, AS WELL AS INDIVIDUALS BELIEVED TO HAVE KNOWLEDGE OF RELIABLE AND USEFUL INFORMATION ABOUT AL QAEDA, THE SEPTEMBER 11 TERRORIST ATTACKS, OR THE SEPTEMBER 11 HIJACKERS. THE JUSTICE DEPARTMENT DID NOT TARGET THESE INDIVIDUALS SIMPLY BECAUSE OF THEIR NATIONALITY, RACE, RELIGION, ETHNICITY, OR CULTURAL IDENTITY, AS THE REPORT ALLEGES, BUT RATHER BECAUSE THEY WERE OF A SPECIAL INVESTIGATIVE INTEREST TO LAW ENFORCEMENT.

U.S. COMMITMENT TO NON-DISCRIMINATION

IT IS THE LAW AND POLICY OF THE <<UNITED>> <<STATES>> TO PROVIDE EQUAL TREATMENT OF ALL NATIONAL, ETHNIC AND RELIGIOUS GROUPS. SINCE 11 SEPTEMBER 2001, THE ATTORNEY GENERAL AND OTHER JUSTICE DEPARTMENT OFFICE HAVE MET WITH LEADERS OF VARIOUS GROUPS, INCLUDING THE ARAB, MUSLIM AND SIKH COMMUNITIES TO EXCHANGE INFORMATION AND CONCERNS ABOUT THE SEPTEMBER 11 INVESTIGATION. THE ATTORNEY GENERAL AND OTHER <<UNITED>> <<STATES>> GOVERNMENT OFFICIALS HAVE ALSO MADE NUMEROUS PUBLIC STATEMENTS URGING AMERICANS TO PRACTICE UNITY AND TOLERANCE.

ON 25 SEPTEMBER 2001, THE ATTORNEY GENERAL RECORDED A PUBLIC SERVICE ANNOUNCEMENT TO PROMOTE TOLERANCE AND TO DISCOURAGE ETHNICALLY AND RELIGIOUSLY MOTIVATED HARASSMENT AND CRIMES AGAINST THE ARAB, SIKH AND MUSLIM COMMUNITIES. THE ANNOUNCEMENT READ:

HELLO, THIS IS ATTORNEY GENERAL JOHN ASHCROFT. SEPTEMBER 11TH MARKS A TRAGIC DAY - A DAY WHEN UNSPEAKABLE ACTS OF TERROR WERE COMMITTED ON OUR SOIL. ALTHOUGH WE ARE OUTRAGED, WE MUST NOT LET ANGER TURN TO HATRED AGAINST OUR PATRIOTIC FELLOW AMERICANS. WE MUST NOT TARGET ARAB AMERICANS, AMERICAN MUSLIMS OR SIKHS. ACTS OF HATE RUN COUNTER TO OUR PRINCIPLES OF EQUALITY AND FREEDOM. THEY WILL BE PROSECUTED. PLEASE BE RESPECTFUL OF ALL OUR NEIGHBORS. GOD BLESS AMERICA.

THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION HAS ALSO BEEN ACTIVE IN HIS OUTREACH EFFORTS, AND HAS SENT A CLEAR MESSAGE TO THE FEDERAL BUREAU OF INVESTIGATION REGARDING ITS COMMITMENT TO VIGOROUSLY INVESTIGATE AND PROSECUTE HATE CRIMES. ON 17 SEPTEMBER 2001, THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION PUBLICLY ANNOUNCED ITS COMMITMENT TO VIGOROUSLY INVESTIGATE AND PROSECUTE CASES AGAINST THOSE WHO COMMITTED ACTS OF VIOLENCE AGAINST THE ARAB, MUSLIM AND SIKH COMMUNITIES.

Current Class: UNCLASSIFIED

Page: 3

UNCLASSIFIED

DOS-002340

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 4

Channel: n/a

JUSTICE DEPARTMENT OFFICIALS, INCLUDING FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE CIVIL RIGHTS DIVISION, HAVE ALSO MET REGULARLY WITH LEADERS OF THE ARAB, MUSLIM AND SIKH COMMUNITIES TO HEAR THEIR CONCERNS AND ENSURE THAT THE JUSTICE DEPARTMENT AND THE FEDERAL BUREAU OF INVESTIGATION WORK COOPERATIVELY WITH THOSE COMMUNITIES. AS THE ASSISTANT ATTORNEY GENERAL FOR THE CIVIL RIGHTS DIVISION STATED ON 13 SEPTEMBER 2001, "(A)NY THREATS OF VIOLENCE OR DISCRIMINATION AGAINST ARAB OR MUSLIM AMERICANS OR AMERICANS OF SOUTH ASIAN DESCENTS ARE NOT JUST WRONG AND UN-AMERICAN, BUT ALSO ARE UNLAWFUL AND WILL BE TREATED AS SUCH."

COMBATING BIAS-MOTIVATED ATTACKS AGAINST MUSLIMS AND ARABS

THE JUSTICE DEPARTMENT REPORTS THAT, AFTER THE SEPTEMBER 11 TERRORIST ATTACKS, THERE WAS AN INCREASE IN HATE CRIMES AGAINST ARABS, MUSLIMS, AND SIKHS (MISTAKEN FOR MUSLIMS) RESIDING IN THE <<UNITED>> <<STATES>>. THE RATE OF THOSE OFFENSES THEN DROPPED PRECIPITOUSLY WITHIN A FEW WEEKS UNTIL, AS OF MID-JANUARY, 2002, THE RATE HAD NEARLY RETURNED TO THE LOW RATE PREVAILING BEFORE 11 SEPTEMBER 2001.

THE <<UNITED>> <<STATES>> HAS MADE CLEAR THAT ANY ACT OF VIOLENCE OR DISCRIMINATION AGAINST A PERSON BASED ON THE PERCEIVED RACE, RELIGION OR NATIONAL ORIGIN OF THAT PERSON IS CONTRARY TO OUR FUNDAMENTAL PRINCIPLES AND THE LAWS OF THE <<UNITED>> <<STATES>>. ANY THREATS OF VIOLENCE AGAINST ARAB OR MUSLIM AMERICANS OR AMERICANS OF SOUTH ASIAN DESCENTS ARE UNLAWFUL AND WILL BE TREATED AS SUCH. SUCH MISGUIDED ACTS OF HATRED VIOLATE FEDERAL LAW AND, MORE PARTICULARLY, RUN COUNTER TO THE VERY PRINCIPLES OF EQUALITY AND FREEDOM UPON WHICH OUR NATION IS FOUNDED.

THE JUSTICE DEPARTMENT AND THE FEDERAL BUREAU OF INVESTIGATION ARE COMMITTED TO INVESTIGATING AND PROSECUTING AGGRESSIVELY VIOLATIONS OF THE FEDERAL HATE CRIME LAWS. THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION OF THE JUSTICE DEPARTMENT HAS BEEN MONITORING CAREFULLY THE RATE OF HATE CRIMES AGAINST ARABS AND OTHERS SINCE THE TERRORIST ATTACKS. AT THAT TIME, THE CIVIL RIGHTS DIVISION FORMED A HATE CRIMES WORKING GROUP, INCLUDING PROSECUTORS FROM THE CIVIL RIGHTS DIVISION AND AGENTS FROM THE FEDERAL BUREAU OF INVESTIGATIONS CIVIL RIGHTS UNIT, TO MONITOR, INVESTIGATE AND, IF CREDIBLE EVIDENCE WERE DISCOVERED, PROSECUTE THOSE ACCUSED OF COMMITTING HATE CRIMES IN RESPONSE TO THE SEPTEMBER 11 ATTACKS.

WHEN INVESTIGATIONS INDICATE UNLAWFUL CONDUCT HAS OCCURRED, INCLUDING ASSAULTS WITH DANGEROUS WEAPONS AND ASSAULTS

Current Class: UNCLASSIFIED

Page: 4

UNCLASSIFIED

DOS-002341

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 5

Channel: n/a

RESULTING IN SERIOUS INJURY AND <<DEATH>>; TELEPHONE, INTERNET, MAIL, AND FACE-TO-FACE THREATS; AND VANDALISM, ARSON, SHOOTINGS, AND BOMBINGS DIRECTED AT HOMES, BUSINESSES, AND PLACES OF WORSHIP, THEN PROSECUTION CAN OCCUR. THE FBI HAS OPENED OVER 400 INVESTIGATIONS SINCE 11 SEPTEMBER 2001, APPROXIMATELY 40% OF WHICH ARE STILL UNDER INVESTIGATION OR REVIEW. THE JUSTICE DEPARTMENT HAS INITIATED 12 FEDERAL PROSECUTIONS OF 17 DEFENDANTS, AND STATE AND LOCAL PROSECUTORS HAVE INITIATED MORE THAN 80 PROSECUTIONS.

IT SHOULD ALSO BE NOTED THAT THE JUSTICE DEPARTMENT HAS A CONTINGENCY PLAN IN PLACE TO ADDRESS ANY RESURGENCE OF BACKLASH INCIDENTS THAT MAY OCCUR FOLLOWING AN INVASION OF <<IRAQ>>. IN THIS REGARD, THE JUSTICE DEPARTMENT HAS DESIGNATED A HANDFUL OF PROSECUTORS TO FOCUS SOLELY ON BACKLASH MATTERS SHOULD IT BE NEEDED. THEY WOULD ALSO TARGET THOSE ATTEMPTING ATTACKS ON SYNAGOGUES, SHOULD THAT OCCUR. THAT EFFORT WOULD OCCUR SIMULTANEOUSLY WITH A RENEWED OUTREACH EFFORT BY SENIOR JUSTICE DEPARTMENT PERSONNEL.

PREVENTING RACIAL DISCRIMINATION BY AIRLINES:

THE TERRORIST ATTACKS OF SEPTEMBER 11 HAVE ALSO RAISED CONCERNS ABOUT AIRLINE DISCRIMINATION DIRECTED AT INDIVIDUALS WHO ARE, OR ARE PERCEIVED TO BE, OF ARAB, MIDDLE EASTERN, OR SOUTH ASIAN DESCENT AND/OR MUSLIM OR SIKH. THE U.S. DEPARTMENT OF TRANSPORTATION ("DEPARTMENT OF TRANSPORTATION") IS COMMITTED TO ENSURING THAT ALL PERSONS ARE PROVIDED EQUAL PROTECTION OF THE LAWS AND THAT NO PERSON IS SUBJECT TO UNLAWFUL DISCRIMINATION WHEN TRAVELING IN THE <<UNITED>> <<STATES>>. IT IS THE POLICY OF THE <<UNITED>> <<STATES>> GOVERNMENT THAT PERSONS AND THEIR PROPERTY MAY NOT BE DENIED BOARDING OR REMOVED FROM AN AIRCRAFT SOLELY BECAUSE THEY APPEAR TO BE ARAB, MIDDLE EASTERN, ASIAN, AND/OR MUSLIM OR SIKH; OR SOLELY BECAUSE THEY SPEAK WITH AN ACCENT THAT MAY LEAD ANOTHER PERSON TO BELIEVE THEY ARE ARAB, MIDDLE EASTERN, ASIAN, AND/OR MUSLIM OR SIKH. INDIVIDUALS WHO MAY APPEAR TO BE OF ARAB, MIDDLE EASTERN OR SOUTH ASIAN DESCENT AND/OR MUSLIM OR SIKH HAVE THE RIGHT TO BE TREATED WITH THE SAME RESPECT AS PERSONS OF OTHER ETHNICITIES AND RELIGIONS.

VARIOUS FEDERAL STATUTES PROHIBIT UNLAWFUL DISCRIMINATION AGAINST AIR TRAVELERS BECAUSE OF THEIR RACE, COLOR, RELIGION, ETHNICITY, OR NATIONAL ORIGIN. ON 21 SEPTEMBER 2001, THE DEPARTMENT OF TRANSPORTATION SENT A NOTICE TO U.S. CARRIERS, EITHER DIRECTLY OR THROUGH THEIR ASSOCIATIONS, OF THE NEED TO CONDUCT THEIR OPERATIONS IN A NONDISCRIMINATORY MANNER. THE NOTICE REMINDED CARRIERS THAT IT IS NOT ONLY WRONG BUT ALSO ILLEGAL TO DISCRIMINATE AGAINST PEOPLE BASED ON RACE,

Current Class: UNCLASSIFIED

Page: 5

UNCLASSIFIED

DOS-002342

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 6

Channel: n/a

ETHNICITY, OR RELIGION. THE CARRIERS HAVE BEEN COOPERATIVE AND HAVE RELAYED TO THEIR EMPLOYEES THE DEPARTMENT OF TRANSPORTATION NOTICE THAT THEY NOT TARGET OR OTHERWISE DISCRIMINATE AGAINST PASSENGERS.

ENFORCING IMMIGRATION LAWS

IN THE WAKE OF THE EVENTS OF SEPTEMBER 11, THE JUSTICE DEPARTMENT'S HIGHEST PRIORITY HAS SHIFTED TO DETECTING AND PREVENTING TERRORISM, AND DISMANTLING TERRORIST ORGANIZATIONS AND THE ENTITIES THAT SUPPORT THEM, WHILE PRESERVING OUR CONSTITUTIONAL LIBERTIES.

CONCERNS HAVE BEEN VOICED WITH THE JUSTICE DEPARTMENT FOR NOT DISCLOSING A LIST OF THE IDENTITIES OF INDIVIDUALS WHO HAVE BEEN DETAINED ON IMMIGRATION LAW VIOLATIONS OR WERE DEEMED BY THE GOVERNMENT TO HAVE ASSOCIATIONS OR INFORMATION RELATING TO THE SEPTEMBER 11 INVESTIGATION AND RELATED TERRORIST INVESTIGATIONS.

THE JUSTICE DEPARTMENT'S POLICY IS BASED ON THE PROFESSIONAL JUDGMENT OF SENIOR LAW ENFORCEMENT OFFICIALS, INCLUDING THOSE FROM THE CRIMINAL DIVISION OF THE JUSTICE DEPARTMENT AND THE FEDERAL BUREAU OF INVESTIGATION WITH LEADING ROLES IN THE SEPTEMBER 11 INVESTIGATION. IN THEIR VIEW, DISCLOSURE OF THE IDENTITIES OF THE <<DETAINEES>> WOULD ENDANGER THE ONGOING INVESTIGATION AND THE <<DETAINEES>> THEMSELVES. THE DISCLOSURE OF SUCH INFORMATION (AND THE INFORMATION THAT WOULD BE DISCLOSED IN THE REMOVAL HEARINGS FOR THE <<DETAINEES>>) MAY REVEAL SOURCES AND METHODS OF THE INVESTIGATION TO TERRORIST ORGANIZATIONS. IT MAY REVEAL THE LOCATIONS AND WHEREABOUTS OF THE <<DETAINEES>>, PARTICULARLY THOSE COOPERATING WITH THE <<UNITED>> <<STATES>> GOVERNMENT IN THE INVESTIGATION. THIS IN TURN COULD ALLOW TERRORISTS TO EVADE DETECTION AND LEAD THEM TO ALTER THEIR FUTURE PLANS, THEREBY CREATING GREATER DANGER TO PUBLIC SAFETY.

WE THEREFORE DEEMED SEVERAL ACTIONS ESSENTIAL TO THE NATION'S CONTINUED SECURITY AND THE INTEGRITY OF THE SEPTEMBER 11 INVESTIGATION, INCLUDING WITHHOLDING PUBLIC DISCLOSURES OF SOME INFORMATION REGARDING THE <<DETAINEES>> AND CLOSING THEIR IMMIGRATION COURT HEARINGS TO THE PUBLIC FOR AS LONG AS THESE ALIENS REMAINED OF INTEREST TO THE INVESTIGATION. MAKING PUBLIC THIS INFORMATION COULD GIVE OUR ENEMIES THE ROADMAP OF OUR INVESTIGATIONS AND COULD ALLOW TERRORIST ORGANIZATIONS TO ALTER FUTURE ATTACK PLANS, INTIMIDATE WITNESSES, AND FABRICATE EVIDENCE. THUS, PROTECTING SUCH INFORMATION IS ONE OF THE ACTIONS DEEMED ESSENTIAL TO OUR ONGOING EFFORTS TO INVESTIGATE THE SEPTEMBER 11 ATTACKS AND TO PREVENT FUTURE

Current Class: UNCLASSIFIED

Page: 6

UNCLASSIFIED

DOS-002343

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE074297

Page: 7

Channel: n/a

ATTACKS.

AS OF FEBRUARY 5, 2003, THE INS ON MARCH 1, 2003 THE IMMIGRATION AND NATURALIZATION SERVICE (INS) WAS MERGED WITH THE DEPARTMENT OF HOMELAND SECURITY. FOR THE PURPOSE OF THIS RESPONSE, WE WILL REFER TO THE INS WHEN DISCUSSING ACTIONS TAKEN BEFORE MARCH 1, 2003. HAS DETAINED 766 ALIENS ON IMMIGRATION VIOLATIONS AT SOME TIME SINCE 11 SEPTEMBER 2001 IN CONNECTION WITH THE INVESTIGATION INTO THE TERRORIST ATTACKS. OF THESE 766 INDIVIDUALS, 486 HAVE BEEN DEPORTED OR HAVE LEFT THE COUNTRY VOLUNTARILY. ONLY 3 OF THESE ALIENS REMAIN IN INS <<CUSTODY>> AS PART OF OUR ACTIVE SEPTEMBER 11 INVESTIGATION.

THE DEBATE ABOUT OUR NON-DISCLOSURE POLICY SHOULD NOT CAST

DOUBTS ON THE COMMITMENT OF THE <<UNITED>> <<STATES>> TO RESPECT THE CIVIL LIBERTIES OF INDIVIDUALS HELD IN INS <<CUSTODY>>. INDIVIDUALS HELD ON IMMIGRATION CHARGES IN INS <<CUSTODY>> ARE ENTITLED TO DUE PROCESS PROTECTIONS, IN ACCORDANCE WITH <<UNITED>> <<STATES>> LAW. ALL <<DETAINEES>> HAVE BEEN NOTIFIED OF THE REMOVAL CHARGES AGAINST THEM AND ARE GIVEN THE RIGHT TO CONTEST THOSE CHARGES IN REMOVAL PROCEEDINGS. THEY ARE GIVEN LISTS OF PRO BONO COUNSEL AND ADVISED OF THEIR RIGHT TO RETAIN A LAWYER AT NO EXPENSE TO THE GOVERNMENT. THEY ARE ALSO GIVEN THE OPPORTUNITY TO SEEK RELEASE ON BOND, CONTINUANCES TO PREPARE THEIR CASES, AN OPPORTUNITY TO EXAMINE THE EVIDENCE AGAINST THEM, THE OPPORTUNITY TO APPLY FOR DISCRETIONARY RELIEF FROM REMOVAL, A RIGHT OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS, AND TYPICALLY JUDICIAL REVIEW IN THE FEDERAL COURTS.
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Current Class: UNCLASSIFIED

Page: 7

UNCLASSIFIED

DOS-002344